

# COMMISSION MEETING MINUTES

Indiana Fire Prevention and  
Building Safety Commission  
Government Center South  
302 W. Washington Street  
Indianapolis, Indiana 46204  
Conference Center Room B

December 1, 2015

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:01 a.m. on December 1, 2015.

(a) Commissioners present at the Commission meeting:

Ron Brown  
Gregory Furnish  
Kevin Goeden, representing the Commissioner, Department of Labor  
John Hawkins, Chairman  
Todd Hite, representing the Commissioner, Department of Health, late arrival  
James Hoch  
James Jordan  
Matt Mitchell  
Patrick Richard  
Jessica Scheurich  
Craig Von Deylen

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services  
  
Pamela Walters, Staff Attorney  
Denise Fitzpatrick, Code Specialist  
Beth Sutor, Secretary  
James Schmidt, Deputy Attorney General

Chairman Hawkins addressed the audience before beginning the meeting. He advised those who submit variance applications that, as they had noticed with the December meeting, it would now be more difficult to request and be granted a late filing approval. A new procedure had been put in place to help determine genuine need, and to allow staff the time to provide a review of the application. He also noted that the November minutes would be on the January agenda, Ms. Sutor having been out of office. Chairman Hawkins announced he would not be present for the January meeting, and that Todd Hite would be tasked with running the computer program for the meeting.

## 2. Ordinances

Ordinance No. 7-2015  
Town of Roachdale

Building Ordinance No. 13-09-03-01  
White County, Indiana

Pamela Walters, Staff Attorney, advised the Chairman that she could not recommend either ordinance for approval, noting that they did not follow the template. Commissioner Richard moved to deny both ordinances, with the second by Commissioner Von Deylen. It was voted upon and carried.

## 3. Third Party Inspections

Professional Services Industries  
1748 33<sup>rd</sup> Street  
Orlando, Florida 32839

Kevin Troy, Fire and Building Code Enforcement, introduced the application and recommended approval. Commissioner Von Deylen moved to approve both applications, with the second by Commissioner Richard. It was voted upon and carried.

## 4. Variances

### Tabled Variances:

15-09-20 The Batesville House, Lawrenceburg

Dean Illingworth, State Building Law Compliance Officer, noted that the application had been on the agenda since September, and that the proponent had made no further contact with the Commission. Assuming the variance was no longer needed, he recommended the Commission deny the application. Commissioner Furnish moved to deny, with the second by Commissioner Hoch. It was voted upon and carried.

15-09-23 The Place, Bloomington

Dean Illingworth, State Building Law Compliance Officer, noted that this application had also been on the agenda for an extended period with no contact from the proponent. He once again requested denial. Commissioner Hoch moved to deny, with the second by Commissioner Von Deylen. It was voted upon and carried.

15-09-61 AI Campus Bunkhouse, Marshall

Brian Embrey, property manager, and Yitzchok Ehrman of Agudath Israel of Illinois spoke as proponents. The request was to omit the sprinkler system in the bunkhouse. The camp is currently open for ten weeks per year, with four weeks at capacity. The 2000 square foot bunkhouse is separated into two sleeping rooms with toilet/shower facilities housing sixteen children and two adults each. There is a 20 foot travel distance, and extra exits had been included. The camp is on a well system, and they felt it a hardship to provide any type of sprinkler system. Following a lengthy discussion, Commissioner Richard moved to deny, with the second by Commissioner Hoch. It was voted upon and carried with a vote of 6 to 5.

15-09-62 Rocket 88 Doughnuts, Indianapolis

Dean Illingworth, State Building Law Compliance Officer, noted that this application had also been on the agenda for an extended period with no contact from the proponent. He once again requested denial. Commissioner Hoch moved to deny, with the second by Commissioner Von Deylen. It was voted upon and carried.

15-10-03 1732 N. Lincoln Windows, Bloomington

The application had been eligible for block vote but was incomplete, and was now complete. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

15-10-05(a)(b) Comfort Suites, Rensselaer

15-10-06(a)(b) John Morrell, Greenfield

15-10-07(a)(b) St. Pius X Parish, Granger

The applications, MRL elevator requests, had been eligible for the block vote but were incomplete. They were now ready to be heard. Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried.

15-10-31 Bartholomew County Historical Society Museum, Columbus

The application had been withdrawn by the proponent.

15-11-01(a)(b) Grace College 2016 Hall, Winona Lake

The application had been eligible for block vote but had been incomplete. Now complete, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

15-11-03 Sheridan Ave. Change of Use, Sheridan

The proponent had requested the application be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

15-11-07 Forgotten Treasures, Merrillville

Melissa Tupper, RTM Consultants, spoke as proponent. Josh Manger, Hobart Fire Department was also present. The project is a 1400 square foot plus 900 square foot second floor storage area tenant space within an existing building. The shop had been opened in 2015. The space is separated by an 8" block wall, to the roof and sealed, from the remainder of the building. Some sprinkler heads from a dismantled sprinkler system remain in their area, and the local fire official wants them to make the building sprinkler system functional. He will not issue the certificate of occupancy to Forgotten Treasures until the sprinklers are functional. Following a lengthy debate concerning what was required by code, what the inspector was wanting, and what the shop owners were responsible for, Commissioner Brown moved to approve contingent upon the certification of the 2-hour separation wall. Commissioner Richard made the second. It was voted upon and carried.

15-11-29(a)(b)(c)(d) CityWay Phase II Building A, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The proponent noted that the architect and owner had modified the design as filed. Variance (a) was for the attic space access. The attic was insulated in the truss space, leaving little room for occupancy under the low-slope roof. Margie Bovard, Indianapolis Fire Department, spoke, asking how they were to maintain the structure to protect firefighters during search and rescue. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Furnish. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (b) had been modified greatly, with units with a bedroom loft were to have the loft removed and an enclosed stair to the roof. Chairman Hawkins stated he wanted to see a section of the current drawings, and the proponent suggested it be tabled until he

could provide them. Commissioner Richard moved to table the rest, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Von Deylen abstained.

15-11-40 Indiana Chin Baptist Church, Indianapolis

The variance had been withdrawn by the proponent.

15-11-44 Anson Senior Living, Zionsville

The proponent was not present to provide requested information. Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

15-11-46(a)(b) Boone County 4-H Build Out, Lebanon

Melissa Tupper, RTM Consultants, spoke as proponent. Also present was Jack Jones, Property Manager for the fairgrounds, and Deputy Chief Mike Barrett, Lebanon Fire Department. The building had been granted a variance (08-07-13) to omit sprinklers and allow the building to be used to show animals two weeks per year and used for storage the balance of the year. The current request was to allow the use of the building year round for showing animals and other exhibitions without installing sprinklers, and to exceed the allowable area for construction type. No storage of vehicles will be allowed if granted. The building will be adding heating and cooling, fire and smoke alarms tied to a system in the adjacent sprinklered building. Mr. Barrett noted they had been working closely with them and that everything they had requested was done without issue. He did not object to the variance. Following discussion, Commissioner Von Deylen moved to approve with the conditions that a Rules and Procedures Manual per the Fire Code be created, no opaque partitions over four feet were allowed, no live music, no open flames, and that a fire watch was to be established for events with over 600 occupants. Commissioner Richard made the second. It was voted upon and carried, with 2 nay.

15-11-49 Contractor's Warehouse, New Palestine

Jeff Frye, Frye Construction, spoke as proponent. The owner had been using a 60x100 foot pole barn on his property since 2002 to store supplies and equipment for his construction employees to pick up each morning before they leave for their assignments. He had been advised to get a variance by Kevin Troy to allow the pole barn to be converted from an agricultural building to a Class 1 structure under Rule 13. The building is 400 feet from the nearest structure, has fire extinguishers, and smoke/carbon dioxide detectors. A fire hydrant sits on the property. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

16090 Georgia Reeses, Indianapolis  
16309 Cambria Suites Hotel, Plainfield  
16357 Nova Health Care, Indianapolis  
16428 Harlan Bakeries Fresh Pack, Avon

The variances were still incomplete. Commissioner Brown moved to table all those listed above, with the second by Commissioner Scheurich. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 10:23 a.m. It was called back to order at 10:32 a.m.

#### Regular Variances

Chairman Hawkins called for any variances in the block vote to be called out. Commissioner Brown called out 15-12-10(a) River North at Keystone, Indianapolis, 15-12-14 River North at Keystone Apartments, Indianapolis, 15-12-18(b) River North at Keystone Parking Garage, Indianapolis. Denise Fitzpatrick advised the Commission that an inspector had stated information submitted with 15-12-11(b) was incorrect, and it was no longer in an "A" category on the review. It was now a "C" category. Commissioner Von Deylen announced he would abstain from voting on 15-12-06 The Heritage Group Center, Indianapolis, and 15-12-32(a) through (n) Library Square, Indianapolis. Commissioner Jordan then moved to approve the "A" and "B" variances, with the second by Commissioner Scheurich. It was voted upon and carried. Staff review item #16467 Security Entry Project Building B Lake County Government Center, Crown Point, was now complete and eligible to be heard. Commissioner Jordan moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 15-12-05 Coast to Coast Imports, Indianapolis
- (2) 15-12-06 The Heritage Group Center, Indianapolis
- (3) 15-12-07 General Motors CET Facility New Groundwater, Bedford
- (4) 15-12-08(a)(b)(d) Indianapolis Colts Training Facility, Indianapolis
- (5) 15-12-10(b) River North at Keystone, Indianapolis
- (6) 15-12-11(a) Chipotle IUPUI, Indianapolis
- (7) 15-12-12(a)(b) Notre Dame Turbo Machinery Lab, South Bend
- (8) 15-12-13 Penn Place Apartments, Indianapolis
- (9) 15-12-15 Ivy Tech Sellersburg Academic Advising Renovations, Sellersburg
- (10) 15-12-29(b) Sherwood Oaks Christian Church New Welcome Center, Bloomington
- (11) 15-12-32(c)(d)(e)(h)(m) Library Square, Indianapolis
- (12) 15-12-35 Marten Transport New Terminal, Zionsville
- (13) 15-12-36(a)(b) White River Twp. Fire Department Station 52 Generator, Greenwood
- (14) 15-12-38(b) Tinker House Site and Building Core Development, Indianapolis

The following variances were heard separately:

(15) 15-12-01(a)(b) Overlook Notre Dame Building 3, South Bend

The application was incomplete and ineligible to be heard. Commissioner Brown moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

(16) 15-12-02 Park Avenue Rehab, Indianapolis

The application, shown as incomplete on the agenda, was now complete and eligible to be heard. Christine Freiman, owner, spoke as proponent. She had been working to renovate a home on Park Avenue. A stained glass window, original to the home, was now within a new stairwell added to reach the attic, and she had been cited by an inspector. Two bedrooms are on the second floor, both with egress windows. The request was to allow the window to remain, due to the historic nature of the neighborhood. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(17) 15-12-03 Storage Express, Indianapolis

Mike Bolton, Storage Express, and Nathan Grimes, Renaissance Design Build, spoke as proponents. David Carpenter, Indianapolis Fire Department, also addressed the Commission. Four new buildings will exceed the 400' maximum distance allowed from a fire hydrant on a fire access road. The owner and designer have been working with Margie Bovard, Indianapolis Fire Department, and have resolved all issues except the fire hydrant. A private hydrant is available through an access agreement, less than 685' from the farthest corner of Building #4, but it is part of an assisted living facility and additional buildings could be constructed between the hydrant and the storage facility in the future. The buildings are to be of steel construction, without electricity or plumbing, and are to be used as self-storage. An access gate in the security fence will be fitted with a Knox Box for the fire department. Following a discussion of the increase of applicants wishing to omit installation of fire hydrants, Commissioner Brown suggested a delayed installation with a variance to be valid for two years to give the owner a chance to create a positive cash flow and finance the installation of a hydrant. The owner agreed, and Commissioner Brown then moved to approve on the condition that the variance is valid until April 1, 2018. Commissioner Richard made the second. It was voted upon and carried.

(18) 15-12-04 Former Village Good Mart FID#2505, Anderson

The agenda showed the application as incomplete. Commissioner Richard moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

(19) 15-12-08(c) Indianapolis Colts Training Facility, Indianapolis

Dennis Bradshaw, FP&C Consultants, spoke as proponent. A private swimming pool was being installed for the use of Jim Irsay at the training facility. The code didn't have a category the designer and proponent felt comfortable using for the pool, feeling that the closest description was like a private pool in an apartment complex. The pool is being designed to comply with Class C requirements, which would require a six foot deck around the pool. The variance is to allow some areas of the decking to be less than six feet wide. Jeff Dean, City of Indianapolis, also addressed the Commission. He noted that he did not have a position on the variance, but asked the Commission to be aware that their decision might affect other compliance issues for the pool. Commissioner Von Deylen moved no variance required based on its compliance with Class C design. Commissioner Hoch made the second. It was voted upon and carried.

(20) 15-12-09 Madison Apartments Phase Two, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The Type B apartment units will not comply with ANSI reach ranges and clear floor space for electrical panelboards. The units are compliant with HUD / Fair Housing which does not require these items. The Type A unit does comply. Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried.

(21) 15-12-10(a)(c) River North at Keystone, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow standpipe hose connections to be installed at the main floor landings. Code requires installation at intermediate landings. David Carpenter, Indianapolis Fire Department, addressed the Commission and objected to the variance. He noted that, with the change in code, firefighting tactics have changed with the intermediate landing standpipe connections. Following a lengthy discussion, Commissioner Brown moved to deny, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (c), a request to locate one of two required standpipes away from an exit stairway, was withdrawn since the request was for the main landing and variance (a) was denied.

(22) 15-12-14 River North at Keystone Apartments, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. This variance was to allow the standpipe connections to be located at the main floor landing of the stair. Mr. Gerdes stated, while he knew it would be denied, all he asked was that Indianapolis Fire be consistent in their objections. David Carpenter, Indianapolis Fire Department, said they would do so. Commissioner Brown moved to deny, with the second by Commissioner Hoch. It was voted upon and carried.



- (23) 15-12-18(a)(b) River North at Keystone Parking Garage, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow open stairs in the six level, sprinklered parking garage which is enclosed on three sides by the apartment buildings. The apartment buildings are separated by two-hour walls, and they meet the allowable travel distance. David Carpenter, Indianapolis Fire Department, stated they had no objections if the owner meets means of egress requirements. Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried, with one nay. Variance (b) was to allow the standpipe connections to be located at the main floor landings of the stairs. Commissioner Brown moved to deny, with the second by Commissioner Mitchell. It was voted upon and carried.

- (24) 15-12-11(b) Chipotle IUPUI, Indianapolis

Architect Ed Wesson, Red Architecture, spoke as proponent. He noted that a push button lock set had been found and installed, withdrawing the variance.

- (21) 15-12-16 Marten Transport New Terminal, Zionsville

No proponent was in attendance. From the application, it was requested that no handrails be installed leading into the truck oil changing pit due to its design. Trucks would drive over the pit, with wheels on each side where handrails would be installed, thereby crushing them. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried with two nays.

- (22) 15-12-17 CityWay YMCA, Indianapolis

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The request was to allow a Type II hood to be installed over the residential stove top in their teaching kitchen. The stove will be used for classes meeting two to four times per week to teach YMCA members the fundamentals of healthy foods and food preparation. Derrick Holman, City of Indianapolis, noted that it had been filed under the 2008 code but the variance application listed the 2014 code. The hood will have a dedicated duct to the roof. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch with one nay.

- (25) 15-12-19 Klipsch Music Center Fryers, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the facility to use fryers without Type I hoods in their VIP Club outdoor pavilion area for the 2016 season. Steel sheeting will be behind the fryers and on the roof. No public would be in the

pavilion, and two Class K extinguishers will be located within five feet of the fryers. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Mitchell abstained.

(26) 15-12-20 Home Remodel for Keith and Lisa O'Brien, Lafayette

Keith O'Brien, owner, spoke as proponent. An existing living room will be converted into a master bedroom, and the existing picture window will be changed out to match the other bedroom windows. The request was to allow the sill height to be 56 inches above the floor in lieu of the code-compliant 44 inches. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried.

(27) 15-12-21 Fire Pump and Standpipe Replacement, Indianapolis

Steve Barrett, exp Federal, spoke as proponent. An existing building, currently protected with a Class III standpipe system, is installing a fire pump and standpipe system replacement. The new design is for a Class I system which does not provide for 1 ½" hose connections, since existing fire hoses were removed at the direction of the Fire Department. The request is to allow a Class I system only to be installed. Following discussion, Commissioner Brown moved to approve with the condition that a 2½" to 1½" adapter be provided at every port. Commissioner Furnish made the second. It was voted upon and carried.

(28) 15-12-22 Badger Daylighting, Brownsburg

Marvin Chrisman, Otis Elevator, spoke as proponent. The Elevator Code requires at least 6" minimum clearance from any projections from the car top to the nearest striking point of the overhead structure. Because of existing construction, there are two areas directly above the elevator pistons which come within 2½". The elevator division chief has requested that these two areas be identified with a 2 foot square of yellow paint and marked "pinch point". Commissioner Hoch moved to approve with the condition that the yellow paint and label of pinch point be provided. Commissioner Hite made the second. It was voted upon and carried.

(29) 15-12-23 Pisgah Christian Church, Logansport

Tim Callas, J&T Consulting, spoke as proponent. Stephen and Tona McIntyre, church members, also spoke as proponents. The church was upgrading their kitchen and, purchasing the best used equipment they could afford, wished to install a commercial 10 burner range and electric convection oven. The request was to install a Type II hood above the equipment in lieu of the required Type I hood. There is no deep frying allowed, and the

kitchen is typically used once a month to heat carried-in dishes. The requested hood will be vented directly to the exterior. After discussion, Commissioner Hoch moved to approve, with the second by Commissioner Furnish. It was voted upon and carried.

(30) 15-12-24 Richards Furniture and Mattress, Princeton

Melissa Tupper, RTM Consultants, spoke as proponent. A church built in 1896 had been purchased and converted to use as a furniture store. At inspection, it was noted that they had not filed for a change of use, and were cited. The request was to allow two years to install the fire alarm and smoke detection system required to comply while occupying the business. The delay would allow them to build a customer base, and allow compliance without hardship. Following discussion, Commissioner Furnish moved to approve with the condition that the variance was valid until December 1, 2017. Commissioner Hoch made the second. It was voted upon and carried with one nay.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission for lunch at 12:10 p.m. It was called back to order at 1:15 p.m.

(31) 15-12-04 Former Village Food Mart FID #2505, Anderson

The proponent was now in attendance, and Chairman Hawkins allowed the application to be heard. Commissioner Mitchell moved to reverse the table, with the second by Commissioner Von Deylen. It was voted upon and carried. Jeremiah Catron, Creek Run Environmental Engineering, spoke as proponent. The property is being sold, and part of the sales agreement is to be that the purchaser be responsible for tank removal. These tanks have been out of service since January 6, 2015, and the deadline to remove them will fall before the completion of the sale. The request is to extend the deadline until the tank ownership transfer is completed. Following discussion, Commissioner Brown moved to approve with the condition that the variance is valid until June 1, 2016. Commissioner Von Deylen made the second. It was voted upon and carried.

(32) 15-12-25 Fenneman Event Barn, Nashville

Melissa Tupper, RTM Consultants, spoke as proponent. An existing barn is to be converted to an event space, and the request is to be allowed to use Chapter 34. The Type VB construction building is 2 stories with 2,800 square feet on the first floor and 1,055 square feet on the second. A structural engineer has evaluated the building, as required by the IBC, and a fire detection system, manual fire alarm system, emergency lighting and exit signs will be provided. Travel distance is 66 feet. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(33) 15-12-26 Wallen Baptist Church Office Addition, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the 772 square foot office addition to omit sprinklers. The adjoining space is also not sprinklered. The church and addition are Type VA Construction, and the addition will add 8 occupants to the existing building. A fire alarm system will be carried from the existing building into the addition, and the travel distance is 80 feet. Jim Murua, Ft. Wayne Fire Department, did not object to the variance, but stated that any more additions will have to be sprinklered. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(34) 15-12-27(a)(b)(c)(d) Tap House 24, Greencastle

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow the use of a sprinkler curtain at each level, on the corridor side, of the existing 3-story freight elevator shaft instead of the rated walls and doors as required by code. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance (b) was to omit sprinklers in the roof joist cavity above the second floor apartments. The remainder of the building will be protected with an NFPA 13 system. A fire detector, connected to the full detection fire alarm system, will be installed in the attic space. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried with one nay. Variance (c) was to grant 3½ points for egress and 2½ points for general safety needed to pass a Chapter 34 evaluation. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance (d) was to allow a new 3-story enclosed stair to discharge into a corridor on the lower level with a 17 foot travel distance to an exterior exit. Following discussion, Commissioner Von Deylen moved to approve with the condition that there must be a 1-hour fire barrier at the exit opening of the stairs. Commissioner Hoch made the second. It was voted upon and carried.

(35) 15-12-28(a)(b)(c)(d) Seyfert Barn, Delphi

Carrie Ballinger, RTM Consultants, spoke as proponent. The structure is a three-story barn which the owner would like to convert to an event center. The proponent began her presentation with variance (c). This was a request to use Chapter 34 in the conversion of the barn, a non-Class I structure, to an A occupancy. A structural evaluation was done to confirm live load capacity. Adequate exits will be provided, as well as fire alarm and smoke detection systems. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Richard abstained. Variance (a) was a request to allow the existing sliding barn door to be used as one of the means of egress in lieu of the required side-hinged doors. The owner did not wish to install conventional doors, feeling they would distract from the esthetics of the 1837 barn. An additional exit from the floor had been added at the rear of the building with

stairs leading to the ground. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Richard abstained. Variance (b) was a request for 4.8 points in the Fire Safety column of the Chapter 34 evaluation, and 1.8 points for the General Safety column. Following discussion, Commissioner Hoch moved to approve with the condition that no on-site cooking was to be allowed. Commissioner Hite made the second. It was voted upon and carried with two nays. Commissioner Richard abstained. Variance (d) was a request to allow the 2 stairways of the third level to remain unenclosed. The stairs are, due to the terrain, only 1 level above the level of exit discharge since the first and second floors have direct egress. Commissioner Mitchell moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried with one nay. Commissioner Richard abstained.

(36) 15-12-29(a) Sherwood Oaks Christian Church New Welcome Center, Bloomington

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow a new 2-hour fire wall of the addition to terminate at the underside of the roof deck, and to not provide the 1-hour rated openings. Two existing windows in the existing 1-hour wall are above the addition roof. The sprinkler density of the flat-roofed welcome center will be increased beneath the window area and to protect the exposed steel used. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(37) 15-12-30(a)(b) Music City Place, Richmond

Carrie Ballinger, RTM Consultants, spoke as proponent. An existing, 4-story YMCA is being converted to apartments which are protected by a 13R sprinkler system. In variance (b) the request was to allow the stairway at the main lobby level to remain unenclosed. The building is on the historic register, and the owner wishes to maintain the lobby as it exists. The remainder of the stairway is enclosed. A draft curtain and close spaced sprinklers will be provided. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (a) was a request to allow a single exit stairway for the second floor apartments. Following discussion, Commissioner Hoch moved to approve with the condition that operable windows will be provided in the four second floor apartments. The second was made by Commissioner Von Deylen. It was voted upon and carried.

(38) 15-12-31 Allen Plaza, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. Shelly Wakefield, Jacobi, Toombs and Lanz, and Jeff Dean, City of Indianapolis, also addressed the Commission. The proponent stated that the project, started in 2007, had been filed under the 2003 Building Code, passing Rule 8, with a valid CDR, and had not stopped construction for more than the 180 days allowed by code. The City of Indianapolis Plan Review had stated that there was work

being done for which they did not have any record of structural permits when they reviewed a filing done last year for State Project #379435, under the 2014 IBC and not the 2003 code of record. The City has stated the entire project needed to be refiled under the 2014 Indiana Building Code since their files had been closed and they cannot reopen them. This would also include refileing the nine variances which have been granted for this project and re-doing the Rule 8 into a Chapter 34. Following discussion, Commissioner Richard moved to approve to use of the 2003 Indiana Building Code and Rule 8 with State Project #379435, with the second by Commissioner Hoch. It was voted upon and carried.

(39) 15-12-32(a)(b)(f)(g)(i)(j)(k)(l)(n) Library Square, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) and (b) were requests to install electrical receptacles at non-compliant locations. These had been given a D staff rating, and the proponent requested they both be tabled so he may provide requested drawings. Commissioner Hoch moved to table both, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (f) was a request to have non-rated windows within four feet of a fire wall terminating at an exterior wall. The windows will have a sprinkler within 12 inches horizontally of the openings. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (g) was to allow perforated metal panels in the exterior wall openings of the open parking garage. The garage is protected by an NFPA 13 springer system. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (i) was to allow four full floors and a partial fifth story above the podium with loft bedrooms. The apartments were to be protected with an NFPA 13R system, have Type VA construction, and stairways with a 2-hour enclosure. Margie Bovard, Indianapolis Fire Department, addressed the Commission noting this would make her firefighters have to search another floor during a response. Following discussion, Commissioner Hoch moved to deny, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (j) is to allow Type B units to not comply with the 18 inch maneuvering clearance on the inside of the entrance doors. The apartments comply with the Fair Housing requirements. Following discussion, Commissioner Scheurich moved to approve, with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (k) was to allow the kitchen return air intake to be five feet from the oven in lieu of the ten feet required by code. The kitchens are all electric. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (l) was to allow kitchen air to be recirculated within the dwelling unit. The previous Mechanical Code had treated kitchen air as non-hazardous and allowed this. Commissioner Hoch moved no variance required, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (n) was a request to allow the use of an NFPA 13R system for the residential units. Following discussion, Commissioner Brown moved to approve,

with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Von Deylen abstained.

(40) 15-12-33(a)(b) Cummins Indianapolis Distribution Headquarters, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow a single means of egress for the Secure Reception area. This area is designed to control access to the non-public upper floors and is not intended to serve as an assembly space. The building is sprinklered throughout with an NFPA 13 system, and high rise requirements. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was to allow the outdoor terrace means of egress to not comply with the 1/3 of the diagonal requirement. One means of egress is through the sprinklered building to four exits, and the other is through an open parking garage with an exit at grade level, and both are a 75 foot common path of travel distance. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 2:56 p.m. It was called back to order at 3:06 p.m.

Chairman Hawkins called two variances out of order to be heard.

(41) 15-12-45(a)(b) Frankfort High School, Frankfort

Kelly Good, architect, and Jerry Duff, structural engineer, KJB Architects, spoke as proponents. Also presenting was Mark Riffey, Ryan Fireprotection. Variance (b) was a request to omit the sprinkler heads over the swimming pool. Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Richard and Commissioner Brown abstained. Variance (a) was to allow the proponent to run quick-response sprinkler heads at the base of the barrel roof with a 30% increase, in lieu of code-required placement. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Richard and Commissioner Brown abstained.

(42) 15-12-44 Woodland Terrace, New Palestine

Mark Riffey, Ryan Fireprotection, spoke as proponent. The request was to use a 13D sprinkler system with a 1-hour separation between each unit. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Brown abstained.

(43) 15-12-34 Countertop Connections, Franklin

Ed Rensink, RTM Consultants, spoke as proponent. This is a refile of a variance granted in January. The heating system is being changed from an in-floor system to sealed units. The NFPA 664 dust collection system will be provided. Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(44) 15-12-37 Cheer Zone, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. A 96,000 square foot steel building will have 22,000 square feet separated for use as a gymnastic studio. The request is to allow a separation to be a 1-hour fire barrier. The building is sprinklered. Extra exits are provided, and travel distance is less than half of the permitted distance. An NFPA 72 monitored fire alarm and smoke detection system will be provided, and the sound system will have a shunt trip. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(45) 15-12-38(a) Tinker House Site and Building Core Development, Indianapolis

Scott Perez, Arxtheon Consulting, spoke as proponent. The request was to allow the main entry stair to not be enclosed from the first floor to the second floor. The stair will be constructed of steel frame and reclaimed heavy timber treads. The building is fully sprinklered, with heads beneath the stair treads. Draft curtains around the stair will also be installed. Following discussion, Commissioner Hoch moved to approve, with the condition that draft curtains are installed. Commissioner Von Deylen made the second. It was voted upon and carried.

(46) 15-12-39 Stones Crossing Sanctuary Renovation, Greenwood

Melissa Tupper, RTM Consultants, spoke as proponent. An existing, sprinklered church was being renovated. In 2002, the church had been given a CDR listing it as Type VA, but it was built as Type IIB. In 2011, a Type IIB addition was made to the church. This addition, CDR #375612 was filed as Type VA/IIB due to the construction types listed on previous CDR's. An existing stage of wooden construction has triggered a condition that there be a 2-hour fire wall separating the two types of construction. The church does not wish to replace the stage with non-combustible materials. The request is to allow the existing stage to remain in the IIB construction. Mike Arany, White River Township Fire Department, was also present. He did not object to the variance, but requested that that CDR #286455 be changed to show type IIB Construction to avoid this confusion again in the future.



Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(47) 15-12-40 Addition for Master Spas, Ft. Wayne

Edward Welling, Grinsfelder Associates Architects., spoke as proponent. The request was to allow a precast concrete building with previous additions to make two more additions to their building using the existing 3 inch thick, 1-hour wall to separate the additions in lieu of the required 3-hour fire wall. The building is sprinklered, and will install rated fire doors. Three additions exits will be provided, as well as smoke and fire alarms. Jim Murua, Ft. Wayne Fire Department, did not object to the variance. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(48) 15-12-41 North Lockerbie Lofts, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow structural steel columns in Building A to not be protected with a listed method of fire-rated construction. The 4-story building, is protected by an NFPA 13 sprinkler system. The structural steel beam was used to provide larger areas on the first floor in the Type VA Construction, with double wood studs tied to each side of the steel columns covered with a layer of Type X 5/8", or two layers of Type X 5/8" drywall where appropriate. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(49) 15-12-42 Dairy Queen Grill and Chili Store, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. The shell of the building had been released as a Type IIB construction, but the tenant building-out was submitted as Type VB Construction, and the work had begun with wood construction per the construction type submitted. The inspector noticed the difference in construction type between application and CDR. The request was to allow wood construction in Type IIB. A two-hour fire barrier will separate this unit from the rest of the building. Jim Murua, Ft. Wayne Fire Department, also addressed the Commission. He had visited the site, and did not object. Following discussion, Commissioner Jordan moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

Incomplete Variances

*The following applications were incomplete at the time of the meeting, and had not yet been assigned a variance number or reviewed. At the discretion of the Chairman, these applications were added to the agenda and heard.*

(50) 16464 New Albany Apartments, New Albany

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow an outdoor fire pit to be installed five feet four inches from the exterior wall. Per code, a recreational fire is not allowed within 25 feet of a structure. The building is sprinklered, and will have an exterior shut-off. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. The variance will be assigned 15-12-43 when completed.

(51) 16498 Broken Beaker Distillery, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. Due to paperwork errors and the length of time needed to process applications delayed by these errors, the owners were about to miss their scheduled opening. The request was to allow a new distillery to be placed inside an existing bicycle shop without tenant/occupancy separation. A Chapter 34 evaluation was done for the existing building. There will be a rated ceiling assembly between the first and second floor in the assembly area, and a full fire alarm and smoke detection system will be provided. Two layers of drywall will be provided on the tenant side of the wall between adjacent tenant and applicant. Following discussion with James Schmidt, Deputy Attorney General, concerning the Commission's action options, and Dean Illingworth, State Building Law Compliance Officer's offer to continue to work with the proponent, Commissioner Von Deylen moved to approve with the condition that the LFO acknowledgement be received within fourteen days. Commissioner Hoch made the second. It was voted upon and carried with one nay. The variance will be assigned 15-12-47 when completed.

8. Discussion and Possible Commission Action

ETA4U, LLC  
Administrative Cause No. DHS-1512-FPBSC-008  
Findings of Fact, Conclusions of Law, and Non-final Order

Commissioner Von Deylen moved to affirm the Findings of Fact, Conclusions of Law, and Non-final Order. Commissioner Hoch made the second. It was voted upon and carried.

Mid-America Elevator Co., INC.  
Administrative Cause No. DHS-1524-FPBSC-018  
Non-Final Order of Dismissal

Commissioner Hoch moved affirm the Non-Final Orders of Dismissal. Commissioner Hite made the second. It was voted upon and carried.

Goosetown Restaurant  
Administrative Cause No. DHS-1518-FPBSC-013  
Findings of Fact, Conclusions of Law, and Non-Final Order  
Review of Parties Briefs

During the discussion led by Chairman Hawkins at the November meeting, it was noted that the Administrative Law Judge had access to information which had not been presented during the initial hearing of the variance application, including the installation manual and a previous variance reference, # 12-05-26, Coal Pizza, to the 2008 Mechanical Code, which led to his decision in favor of the restaurant. It was decided to review the ALJ ruling with an invitation for briefs to be filed. Both parties had submitted briefs, and copies of these had been provided to the Commissioners. Chairman Hawkins noted his concern with the failure of anyone to refer to the proper code for the variance which is Table 507.2 of the 2014 Indiana Mechanical Code. Following a lengthy discussion, James Schmidt made a suggestion to table and, in the meantime, the proponent could refile with the correct code cite and presumably be granted a variance. They could then set the appeal aside. Commissioner Hoch then moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

9. Discussion and Commission actions on Petition for Review (Timely filed unless otherwise noted)

McDonald's Restaurant  
Order – Fire and Building Code Enforcement

Commissioner Hoch moved to grant the Petition for Review, with the second by Commissioner von Deylen. It was voted upon and carried.

10. Electronic Meeting Policy – Pamela Walters

Pamela Walters, staff attorney, had prepared a draft of an electronic meeting policy based upon an electronic meeting policy established by the EMS Commission. She noted that this may not fit the needs of this Commission, but that it served as a starting off point for discussion. James Schmidt, Deputy Attorney General, led a discussion of the items listed in the draft, noting which were required by statute, and how electronic meetings may or may not be a workable solution for the

Commission. Commissioner Scheurich questioned if the capabilities to use electronic meetings were even available after the difficulties of the day's meeting. Mr. Schmidt noted that to have a policy in place should you someday need it might be prudent, whether it is this draft or not. Dean Illingworth, State Building Law Compliance Officer, related his experiences with electronic meetings. It was suggested they might wish to be specific in when an electronic meeting may be used, i.e. quorum, emergency meetings, severe weather conditions, etc., since seeing the demeanor of the presenter and the amount of data considered is important and affects decisions. It was decided that a policy is needed, and it should be worked upon.

#### 11. Comments – Chairman Hawkins

Dean Illingworth, State Building Law Compliance Officer, had asked to speak. He noted that Oracle had issues during the day, but that was a technology thing. Staff had worked very hard to produce needed for the meeting agenda, while working around four holidays and weekends in the month of November, and he wished to publicly thank them.

Chairman Hawkins had prepared his Non-Rule Policy Document draft, and had distributed copies to members of Commission and staff, with copies available to members of the audience. He went over the items he had listed and why they had been included. He wanted these to be published as draft policies, inviting public comment, and then worked on to be adopted.

#### 12. Adjournment

Chairman Hawkins then adjourned the meeting at 4:37 p.m.

APPROVED

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John Hawkins, Chairman